

***United States Court of Appeals  
for the Second Circuit***



**APPELLANT'S  
APPENDIX**



United States District Court  
For the 2nd Circuit

United States of America

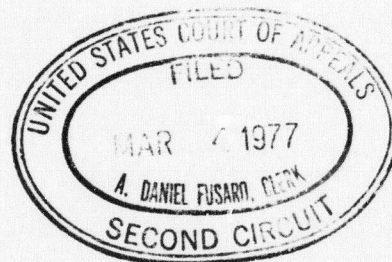
V.S.

Israel Miller

76-6186  
C 76 6186

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APPENDIX





DISTRICT OFFICE	DOCKET NUMBER	FILING DATE MO. DAY YEAR	J	N/S	DEMAND OTHER	JUDGE NUMBER	JURY DEM.	DOCKET
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PLAINTIFFS					DEFENDANTS			

U.S.A.

UNITED STATES OF AMERICA

MILLSAP, ISRAEL W., et al

ISRAEL W. MILLSAP, NEWSDAY INC., SEARS, ROEBUCK AND CO., JAMAICA SAVINGS BANK, GENERAL ELECTRIC CREDIT CORP., "JOHN DOE #1" through "JOHN DOE #5" inclusive, such names being fictitious and unknown to plaintiff, the person or part intended being tenants, occupants persons, corporations, or other legal entities, if any, having claiming an interest in or lien upon the premises described in complaint

CAUSE

28 USC 1345 - debtor Millsap defaulted in mortgage foreclosure to the V.A.  
Seeks: \$9,000.00

ATTORNEYS

For PLNTIFF:  
DAVID G. TRAGER  
United States Attorney - EDNY  
By: Michael Cavanagh  
Assistant US Atty

FOR ISRAEL MILLSAP, Pro Se  
259 West 23rd St. Apt 10  
Chicago, Ill. 60628  
9537 Prairie Avenue South  
Chicago, Ill. 60628

<input type="checkbox"/> CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	DATE	FILING FEES PAID RECEIPT NUMBER	C. D. NUMBER	STATISTICAL CARDS	
				CARD	DATE MAILED
BEST COPY AVAILABLE				JS-5	
				JS-6	
UNITED STATES DISTRICT COURT			DOCKET		

DC-111 (Rev. 1/71)



DATE	NO.	PROCEEDINGS
5-27-76		Complaint filed. Summons issued. (1)
5-28-76		By WEINSTEIN, J-Order dtd 5-28-76 referring the case to the Magistrate filed. Copy sent. (2)
20-76		Summons ret and filed/executed. (3)
3-3-76		Notice of motion ret. 8-10-76 with affidavit and demand for jury trial filed. (4)
10-76		Before WEINSTEIN, J.- Case called for motion for jury trial Motion argued Order to be submitted within 48 hours (5)
19-76		By WEINSTEIN, J-Order dtd 8-17-76 that the time of the deft. Israel Millsap to answer the complaint is extended to 9-1-76. (6)
30-76		ANSWER filed. Jury demanded. (Israel Millsap) (7)
8-76		Pltff's order to show cause ret 10-28-76 re jury trial filed. (8)
28-76		Before WEINSTEIN, J.- Case called for motion requesting a jury trial Motion denied. Govt will make a motion for summary judgment within 30 days unless all the arrears with interest and penalties are paid within that time. Govt to submit the order within 48 hours (9)
1-1-76		By WEINSTEIN, J-Order dtd 10-29-76 that pltff move for summary judgment by 11-30-76 etc filed. (10)
12-76		Notice of appeal filed by Israel Millsap. Copy to USA and C of A. (11)
8-76		Notice of motion ret. 12-21-76 for an order granting summary judgment in favor of pltff, Memo of law in support, and affidavit of Thomas R. Maher in support of motion filed. (12)
9-76		Civil appeal scheduling order filed. (13)
15-76		Pltff's affidavit filed. (14)
15-76		Pltff's affidavit re stay pending appeal filed. (15)
2/21/76		Before Weinstein, J--motion for summary judgement-case called & motion adjd to 1/24/77--deft to be served by govt copy of motion by registered mail. (16)
2-21-76		Memo from Judge Weinstein dtd 12-20-76 filed re: forwarding of Doc. #17 to C of A. (Doc. to be forwarded with file when appellant perfects appeal, as per instructions of chambers.) (17)
28-76		Above record certified and mailed to the C of A. (18)
2-30-76		Supplemental record on appeal (copies of documents 12,13,14) certified and mailed to the C of A. (19)
3-76		Copy of letter dtd 12-30-76 to pltff from Ausa Maher re hearing of 1-24-77 on motion for summary judgment. (20)
5/77		Index on appeal filed. (21)
5/77		Supp index on appeal filed. See document #20 (22)
19-77		Pltff's affidavit filed. (23)
24-77		Before WEINSTEIN, J. - Case called. Govt's motion for summary judgment is granted. Submit order within 48 hours on notice. (24)
5/77		Notice of motion ret 2/17/77 for an order not receiving letter of Weinstein's, J order. filed. (25)

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

- against -

ISRAEL W. MILLSAP, NEWSDAY INC.,  
SEARS, ROEBUCK AND CO., JAMAICA  
SAVINGS BANK, GENERAL ELECTRIC  
CREDIT CORP., "JOHN DOE #1"  
through "JOHN DOE #5" inclusive,  
such names being fictitious and  
unknown to plaintiff, the person  
or parties intended being tenants,  
occupants, persons, corporations,  
or other legal entities, if any,  
having or claiming an interest in  
or lien upon the premises described  
in the complaint.

Defendants.

ORDER

Civil Action No.

76 C 984

FILED  
U.S. DISTRICT COURT E.D. NY  
NOV 1 1976

TIME 1:00 P.M.

The defendant, Israel W. Millsap, having made a motion returnable in this Court on October 28, 1976, and said defendant having failed to appear, it is hereby

ORDERED that the above referred to motion be denied and it is further

ORDERED that the plaintiff will move ~~toward~~ <sup>for</sup> Summary Judgment by November 30, 1976 unless prior to this date the defendant remits to the plaintiff the whole amount of principal and interest due on the mortgage plus any advances paid out by the plaintiff.

Dated: Brooklyn, New York  
October 29, 1976

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Jack B. Weinstein  
United States District  
Judge